

CASE # 1# 18-CV-02710-MKB-LB

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U.S. DISTRICT COURT E.D.N.Y.

★ SEP 16 2020 ★

BROOKLYN OFFICE

MR. DAVID SMART  
2857 W. 8<sup>th</sup> ST.  
BROOKLYN, NY 11224

~~Aug 14~~ Aug. 14, 2020

PRO SE WRIT CLERKS

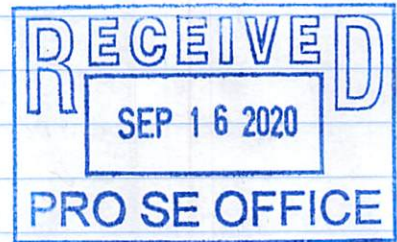
ATTN: PRO SE OFFICE

FOR

EASTERN DISTRICT OF NY

225 CADMAN PLAZA EAST  
Room 1185

BROOKLYN, NY 11201



Dear Sir:

Please forward all  
DOCUMENTS PERTAINING TO  
MR. MARIO H. CAPOGROSSO TO  
THE ABOVE ADDRESS.

Sincerely,  
MR. DAVID SMART

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff

-against-

**PLAINTIFF'S  
INTERROGATORIES and  
DEMAND FOR PRODUCTION  
OF DOCUMENTS**

**Case No. CV-18-2710**

ALAN GELBSTEIN, in his official and individual capacity;  
IDA TRASCHEN, in her official and individual capacity;  
DANIELLE CALVO, in her official and individual capacity;  
SADIQ TAHIR, in his individual capacity;  
PEC GROUP OF NY, INC.;  
DAVID SMART, in his individual capacity;  
JOHN AND JANE DOE, and  
DMV COMMISSIONER MARK SCHROEDER, in his official capacity

Defendants

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Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, the Defendant David Smart shall answer, under oath, the following interrogatories, and produce copies of the following document within thirty (30) days of the service of this discovery request, at the Plaintiff's address listed herein

**DEFINITIONS AND INSTRUCTIONS**

1. The provisions of Local Rules 26.2, 26.3, 33.1 33.2 relating to the claims of privilege, uniform definitions, reference to records and interrogatories apply to and are to be

incorporated by reference.

2. Documents refer to any documents or electronically stored information ("ESI") in any form whatsoever in the possession, custody or control of the defendant that is used, has been used, or may be used relative Defendant's qualification for employment, promotion, transfer, compensation or disciplinary action. Documents also include any document or ESI in any form whatsoever in the possession, custody or control of a person, corporation, partnership or other entity that keeps or supplies a personnel record for the Defendant. Without limiting the foregoing, all of the following documents and/or ESI constitute part of the personnel records:
  - a) Defendant job application
  - b) Defendant's record or other form of employment inquiry
  - c) Defendant's offer of employment, promotion or transfer
  - d) Defendant's performance evaluation
  - e) documents or ESI concerning any disciplinary action taken against the defendant
  - f) termination notices and letters of rejection

Documents produced shall be Bates – stamped or otherwise numbered sequentially.

3. The answers to these interrogatories shall be promptly supplemented and amended as required by Rule 26e of the Federal Rules of Civil Procedure.
4. In the event an answer to any interrogatory is made by reference to records from which the answer may be derived, or ascertained, as permitted by Rule 33(d) of the Federal Rules of Civil Procedure, provide the information required by Local Rule 33.1 and make the documents or ESI referred to available for inspection and copying within fourteen (14) days after service for answers to these interrogatories as required by Local Rule 33.1(d)

**INTERROGATORIES AND REQUEST FOR PRODUCTION**

**Interrogatories**

**Defendant David Smart**

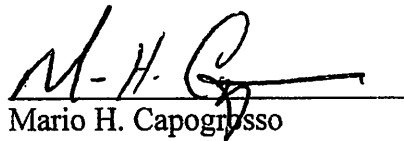
1. Identify your job title and description, as well as the starting and termination date for your employment at the Brooklyn South Traffic Violations Bureau (TVB) as located at 2875 West 8<sup>th</sup> Street Brooklyn NY.
2. Are you still currently working at the Brooklyn South TVB located at 2875 West 8<sup>th</sup> Street Brooklyn NY.
3. Who is your current employer while you are currently working at the Brooklyn South TVB.
4. Are you currently working at the Brooklyn South.

**Request for Production**

1. Produce all documents relating to any disciplinary action taken against you relating to your employment, whether it be by and employer, the Department of Motor Vehicles or any administrative law judge while you were or as currently working at the Brooklyn South TVB from your initial date of employment to the present time.

Dated: August 25, 2020  
New Rochelle, NY

Submitted,

A handwritten signature in black ink, appearing to read 'M-H-C', is written over a horizontal line.

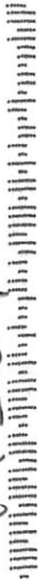
Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
(914) 806-3692

MR. David Smart  
 2875 W. 8th ST.  
 Brooklyn, NY 11224

Pro Se Writ Clerk  
 Eastern Dist. of New York  
 225 Cadman Plaza West  
 Brooklyn NY 11201

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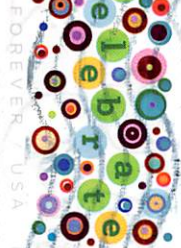
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 THE CHURCH  
 OFFICE